#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4035 OF 2006

Ram Bharat Jagdale .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Revati Mohite Dere for applicant

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th December 2006

P.C.

. Heard Mrs.Dere appearing for the applicantt and Mr.More, A.P.P. for State.

2. Applicant has been arrested in connection with C.R.No.279 of 2006 registered at Swargate police station for offences punishable under sections 120B, 143, 147 to 149, 302, 506(2) of I.P.C. and the Arms Act as well as Bombay Police Act.

3. Prosecution case is that the deceased Sudhir Rasal and the complainant had gone to the Juice Bar at about 8.30 p.m. on 16th March 2006. The complainant Ghone entered the juice bar to collect parcel whereas the deceased was standing outside. He heard shouts and screams of deceased and discovered that the deceased was assaulted by 7-8 persons with Koyta and Sattur. The complainant rushed across the road and called the police but the accused ran away. Injured Sudhir was taken to hospital where he succumbed to injuries.

4. The owner of the juice bar is one Nitin Gosavi. Statement of the complainant Nitin Ghone

is recorded and a copy of the same is annexed as Annexure A to this application.

5. Present applicant was arrested on 6th April 2006. The role of the applicant in the assault is that there was a dispute between the accused and deceased Rasal on account of some immovable property. Applicant was involved in the conspiracy to kill the deceased.

6. Although, Mrs.Dere would urge that the applicant is arrested only on the ground of suspicion and there is no evidence to connect him with the crime, Mr.More, learned A.P.P. submits that the applicant is the one who had arranged the vehicle which was used by the accused in the crime/assault.

7. In my view, after the investigations are complete and charge sheet filed, so also some of the accused being enlarged on bail, present applicant can be also enlarged on bail, but with

stringent conditions. Hence, following order:-

i) The applicant arrested in connection with C.R.No.279 of 2006 registered with Swargate Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) Applicant will not be released unless he furnishes proof of his residential address as mentioned in the cause title of this application or otherwise, and shall not change the residence without prior intimation to the I.O.;

iii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Swargate Police Station once a week on every Wednesday

between 5.00 p.m. and 7.00 p.m. till conclusion of trial;

iv) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

v) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vi) The applicant shall cooperate

with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

ix) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)